

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re SKYLINE CONCRETE FLOOR  
CORP.,

Debtor

901 L.L.C., a Michigan limited liability  
company, and WINTER P.L.C., a Michigan  
professional limited liability company,

Plaintiffs/Counter-Defendants,

v.

SKYLINE CONCRETE FLOOR CORP.,

Defendant/Counter-Plaintiff,

and

WINTER & ASSOCIATES, P.L.C., a  
Michigan professional corporation, and  
STEPHEN D. WINTER,

Third-Party Defendants.

Case No. 07-14580  
Honorable Patrick J. Duggan

Bankr. Case No. 07-54154  
Chapter 11  
Honorable Marci B. McIvor

Adversary Proc. No. 07-6575

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**ORDER GRANTING JUDGMENT AS A MATTER OF LAW  
IN FAVOR OF COUNTER-DEFENDANT 901, llc  
ON COUNTER-PLAINTIFF SKYLINE CONCRETE FLOOR CORP.'S  
ACTION TO FORECLOSE CONSTRUCTION LIEN**

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At a session of said Court,  
held in the United States Courthouse  
in the City of Detroit, State of Michigan,  
on May 6, 2008.

PRESENT: HON. PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Skyline Concrete Floor Corp. ("Skyline") having filed an action to foreclose a construction lien recorded on property owned by 901, llc ("901"), 901 having filed a claim for slander of title based upon that lien, the jury having returned a verdict in favor of 901 on its slander of title claim, finding that Skyline's lien was false and malicious, and said findings being *res judicata* on the invalidity of Skyline's lien, and the Court being fully advised in the premises, and good cause appearing for entry of an Order granting judgment as a matter of law in favor of 901 on Skyline's action to foreclose construction lien:

NOW, THEREFORE, IT IS HEREBY ORDERED that JUDGMENT as a matter of law shall be and the same is hereby GRANTED for 901, llc and against Skyline Concrete Floor Corp. on Skyline's action to foreclose construction lien, and that Skyline shall take nothing on said action, which shall be dismissed with prejudice; and

IT IS FURTHER ORDERED that Skyline's claim of lien shall be deemed to be fully released, discharged, and held for naught, said lien having heretofore been recorded at Liber 37851, Page 97, Oakland County Records, on the following described property, to-wit: 901 Livernois, in the City of Ferndale, Oakland County, State of Michigan, and more particularly described as the west 67.53 feet front by the west 62.85 feet rear, Lot 55 of Maple Ridge Subdivision, according to the Plat thereof recorded in Liber 11 of Plats, Page 31, Oakland County Records; and

IT IS FURTHER ORDERED that the Oakland County Register of Deeds shall immediately record a copy of this Order releasing and discharging said lien.

S/Patrick J. Duggan  
Patrick J. Duggan  
United States District Judge

Dated: May 6, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 6, 2008, by electronic and/or ordinary mail.

S/Marilyn Orem  
Case Manager

Approved as to form:

s/Stephen D. Winter  
**winter, plc**  
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**s/ with consent of Ted Peters**  
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s/ with consent of Cheryl A. Bush  
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